



Appeal Decision

Site visit made on 5 November 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2020

Appeal Ref: APP/R0660/W/19/3234691

**Grasslands Nursery, Free Green Lane, Cheshire East, Over Peover
WA16 9QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Watmore against the decision of Cheshire East Council.
 - The application Ref 19/2203M, dated 1 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is the erection of a single dwelling (conversion of an existing building).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's application form refers to the erection of a single dwelling, as well as conversion of an existing building. However, from the information provided the intention is to retain and convert the existing building. The proposal on the Council's decision notice is more accurately described as the conversion of an existing building into a single dwelling. The proposals also include the provision of associated external amenity space, car parking and access. I have determined the appeal on this basis.

Main Issues

3. The appeal site lies within an area of Green Belt. Therefore, the main issues in this case are:
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework, and;
 - b) If the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPS), and saved Policy GC1 of the Macclesfield Borough Local Plan 2004 (MBLP) insofar as is relevant to the appeal, are broadly consistent with paragraph 146 of the National Planning Policy Framework 2019 (the Framework) in setting out the

categories of development that are regarded as not inappropriate in the Green Belt, subject to certain conditions. The re-use of buildings within the Green Belt is not inappropriate provided that the buildings are of permanent and substantial construction, provided they preserve the openness and do not conflict with the purposes of including land in the Green Belt.

5. The appeal building is a steel framed agricultural building, which is open to the front, and partially open on either side, exposing a part of the building to the open air, its construction is very much permanent in nature. The elevations that are enclosed consist of blockwork walls to the lower levels, and metal profiled cladding to the upper elevations and roof, and the floor consists of a large concrete pad. The building is located down a track that passes through Grasslands Nursery, which occupies the land to the south and east of the site. Immediately to the north is a lake, with agricultural land expanding further north and to the west of the building.
6. Whilst the Council Officer's report concludes it is not substantial because of its open nature, the evidence above leads me to conclude otherwise, and its significant scale and robust structure constitutes a building of permanent and substantial construction. Therefore, I am required to consider whether the proposals preserve the openness and whether they accord with the purposes of including land in the Green Belt.
7. Both parties have referred me to a certificate of lawful use or development (the CLD) (Ref 16/5182M) granted on appeal¹ to convert the building into a dwelling under Class Q, Part 2 of the General Permitted Development Order 2015 (the GPDO). Whilst I have not been provided the details, I understand that the appeal was allowed following the failure of the Council to notify the appellant of its decision within the required time scales. The prior approval process is separate to the planning application process. However, the decision of the previous Inspector to allow the appeal and issue CLD is a material consideration. The information provided suggests the main differences in the appearance of the building between the prior approval scheme and this appeal scheme appears to be the use of materials on the external elevations, and the increased site area providing larger external amenity and parking space.
8. Whilst the CLD and the appellant's apparent intentions to implement the prior approval scheme means that there is a realistic fallback position, this does not automatically guarantee planning permission for residential development. I am required to consider whether or not the proposal as a whole, including the proposed external areas, having regard to the relevant local planning policies and the Framework would preserve Green Belt openness and accord with the purposes of including land within it. In coming to my decision I have also considered the appellant's reference to other appeal decisions² and the Mansell case³ regarding fallback positions.
9. Taking the above into account there appears to be little difference in the appeal proposal with regards to the conversion of the building itself, which is unlikely to have any greater impact on the Green Belt than that which can otherwise be implemented under the prior approval scheme. However, there are significant differences with regards to the external areas and the proposed curtilage of the

¹ APP/R0660/X/17/3175487

² APP/Z1510/W/17/3189624 & APP/K0235/W/17/3189914

³ Michael Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314

dwelling. The Council measure this as approximately 960 sq. m, significantly greater in area than the 505 sq. m the appellant claims is permissible in the prior approval scheme. The additional external area is likely to result in a significant visual change to the character of the site, requiring more boundary treatments to enclose the area, creating a greater domesticity, with the associated paraphernalia such as washing lines, refuse containers and outdoor furniture as well as comings and goings between the building, parking areas and the amenity space. The introduction of these activities and features would ultimately cause a material loss of openness. Furthermore, its residential use would constitute an encroachment into the Green Belt, which would conflict with the purposes of including land within the Green Belt.

10. Therefore, even considering the fallback position, the additional development contained within the appeal scheme would fail to preserve the openness and substantially encroach into the Green Belt. Therefore, the existence of the CLD does not overcome the additional harm that would be caused.
11. The proposal is contrary to saved Policy GC1 of the MBLP and Policy PG3 of the CELPS which collectively seek to preserve the openness of the Green Belt and prevent unrestricted sprawl to prevent towns and settlements from merging into one another, also it does not accord with paragraphs 134 and 146 of the National Planning Policy Framework which collectively seek to preserve openness and assist in safeguarding the countryside from encroachment.

Other Considerations

12. I have considered the appellant's reasoning for the scale of the additional external areas, and the description of the differences set out within the statement of case. Whilst Class Q, Part 2 of the GPDO may not take full account of the number of bedrooms, the number of units and parking requirements, this does not justify the scale of the external areas outlined above. As the submitted plans illustrate, the space provided for the three car parking spaces appears to far exceed what is practically required to get in and out, and to pass around the vehicles. Furthermore, I have not been provided with any substantive evidence in relation to locally adopted standards or policies to justify the overall size of the associated amenity space.
13. I have also considered the submissions from both parties in relation to the use of extensive replacement facing materials.

Conclusion

14. I have found that the proposal would amount to inappropriate development in the Green Belt failing to preserve Green Belt openness and in conflict with the purposes of including land within it. I must attach substantial weight to this harm which significantly outweighs the weight I attach to the other considerations. Consequently, very special circumstances necessary to justify the development do not exist.

15. For the reasons given above, the scheme would not accord with the Framework or the development plan and thus having regard to all other considerations, the appeal is dismissed.

R Cooper

INSPECTOR